

## 7A Am. Jur. 2d Automobiles § 111

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### Automobiles and Highway Traffic

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### III. Licensing, Taxation, and Registration


#### B. Drivers or Operators

#### 2. Persons Subject to License Laws

## § 111. Chauffeurs

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### West's Key Number Digest

West's Key Number Digest, [Automobiles](#)  129

Chauffeurs generally are required to obtain special licenses in order to operate motor vehicles, such licenses being commonly referred to as “chauffeur licenses.”<sup>1</sup>

Unreasonable and arbitrary restrictions cannot be placed upon the right to obtain a public chauffeur's license,<sup>2</sup> but the fact that driving is necessary to a driver's employment does not render a state's automatic revocation system violative of due process for providing a hearing only after the revocation has taken effect.<sup>3</sup>

### Definition:

The term “chauffeur” has both a restricted and a general meaning, and in the former sense it applies to persons driving motor vehicles principally for salary or compensation.<sup>4</sup> It is this restricted meaning that generally has been adopted by the statutes in defining the term “chauffeur.”<sup>5</sup> As so defined, an employee who receives compensation principally for services other than the operation of motor vehicles is not required to obtain a chauffeur's license, although in performing such services the employee may incidentally operate a motor vehicle.<sup>6</sup> Even under a statute that defines the term “chauffeur” to include every person operating a motor vehicle for hire or as an employee of the owner of the vehicle, it has been held that one who is not employed primarily as the driver of a motor vehicle, but merely operates a motor vehicle of the employer incidentally to the purposes of the employment, is not required to obtain a chauffeur's license.<sup>7</sup>

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Footnotes

- 1 Des Moines Rug Cleaning Co. v. Automobile Underwriters, 215 Iowa 246, 245 N.W. 215 (1932).
- 2 Miller v. Carter, 547 F.2d 1314 (7th Cir. 1977), judgment aff'd, 434 U.S. 356, 98 S. Ct. 786, 54 L. Ed. 2d 603 (1978) (a city ordinance that permanently bars a person convicted of certain felonies from obtaining a public chauffeur's license violates the Equal Protection Clause, as existing licensees do not automatically lose their licenses if convicted of a felony, which undercuts the reasonableness of the contention that a felon is per se likely to create a serious risk that cannot be sufficiently evaluated to protect the public through individualized hearings).
- 3 Burgess v. Ryan, 996 F.2d 180 (7th Cir. 1993).  
As to prehearing revocations, generally, see §§ 147 to 151.
- 4 Amalgamated Ass'n of St. and Elec. Ry. and Motor Coach Emp. of America v. Morley, 219 Ark. 53, 239 S.W.2d 745 (1951); State v. Depew, 175 Md. 274, 1 A.2d 626 (1938).
- 5 Des Moines Rug Cleaning Co. v. Automobile Underwriters, 215 Iowa 246, 245 N.W. 215 (1932).
- 6 Des Moines Rug Cleaning Co. v. Automobile Underwriters, 215 Iowa 246, 245 N.W. 215 (1932); Matthews v. State, 85 Tex. Crim. 469, 214 S.W. 339 (1919).
- 7 State v. Depew, 175 Md. 274, 1 A.2d 626 (1938).

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